



**CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
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NEWPORT BEACH, CA 92658-8915
(949) 644- 3200**

Memorandum

To: Planning Commission
From: Patrick J. Alford, Planning Manager
Date: March 8, 2012
Re: Study Session on Newport Banning Ranch: Draft Environmental Impact Report

This is the fourth study session on the proposed Newport Banning Ranch project. The purpose of the study sessions is to provide the Planning Commission and the public the opportunity to review and discuss details of the proposed project prior to public hearings. Unless otherwise directed by the Planning Commission, this will be the last study session on the proposed project.

This study session will focus on the findings of the Draft Environmental Impact Report (EIR). The EIR was prepared in conformance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and Newport Beach City Council Policy K-3, "Implementation Procedures for the California Environmental Quality Act." The EIR provides a comprehensive evaluation of the reasonably anticipated scope of the proposed project. It is intended to serve as an informational document for public agency decision makers and the general public regarding (1) the objectives and components of the proposed Project; (2) any potentially significant environmental impacts (individual and cumulative) that may be associated with the planning, construction, and operation of the project; and (3) appropriate and feasible mitigation measures and alternatives that may be adopted to reduce or eliminate these significant impacts.

The City of Newport Beach is the "Lead Agency" for the proposed project under CEQA, and is principally responsible for approving the project. CEQA requires the Lead Agency to consider the information contained in an EIR prior to taking any discretionary action.

In compliance with the State CEQA Guidelines, the City has taken steps to maximize opportunities for the public and other public agencies to participate in the environmental review process. The scope of the EIR includes issues identified in consultation with the City during the Notice of Preparation (NOP) comment period (March 18, 2009 to April 17, 2009); two public scoping meetings (both on April 2, 2009); and environmental issues raised by agencies and the general public in response to the scoping process and the NOP's circulation.

The Draft EIR was released for public review and comment by the City on September 9, 2011. The 60-day public review period ended on November 8, 2011. The City is in the process of evaluating all substantive comments received on the Draft EIR, and will prepare written responses to these comments. The response to comments will be presented to the Planning Commission prior the public hearings on the proposed project.

Copies of the Draft EIR and related documents are available at the Community Development Department, Planning Division, at all branches of the Newport Beach Public Library, and on the City's website at <http://www.newportbeachca.gov/banningranch>.

The study sessions are for discussion purposes only and no action will be taken by the Planning Commission. Interested parties are encouraged to limit their comments and questions to the issues that are the subject of each study session.

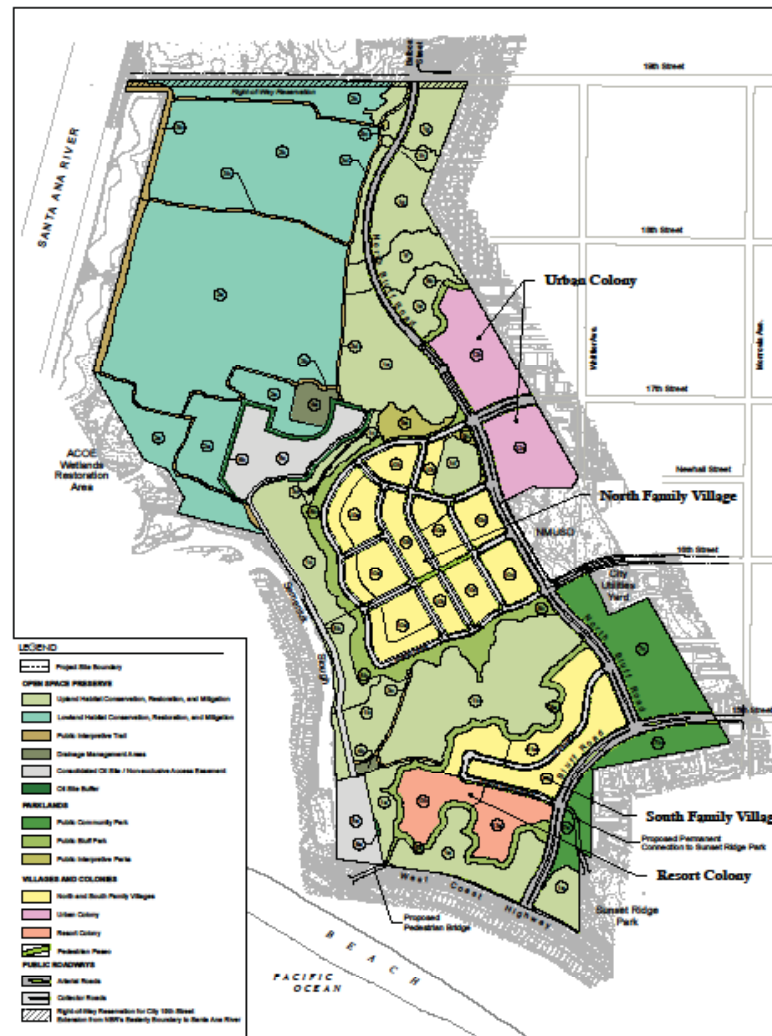
Public notice of the study sessions was provided by the posting of the agenda at City Hall and on the City's website. In addition, notice was distributed through the City's Select Alert system and through a press release.

Newport Banning Ranch

Environmental Impact Report Overview

March 8, 2012

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Source: FORMA 2011

Newport Banning Ranch Land Use Plan

Exhibit 3-2

Newport Banning Ranch EIR



Bentley
CONSTRUCTION

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Proposed Project

- 401 acres (ac): 40 ac, in the City
- 1,375 dwelling units (du)
- 75,000 square feet (sf) commercial uses
- 75 room resort inn
- 51 ac. of park, including 27-ac. Community Park
- 252 ac. of open space, with trail system and pedestrian bridge

Objectives of CEQA

- Disclosure of environmental effects of a project
- Identification of ways to avoid/reduce significant environmental effects
- Prevent environmental damage by requiring feasible mitigation and alternatives
- Foster interagency review
- Enhance public participation

Timeline

Agency Meetings in late 2008 and 2009

Local Agency Formation Commission (LAFCO)

City of Costa Mesa

City of Huntington Beach

Orange County Transportation Authority (OCTA)

Notice of Preparation/Public Review

March 18, 2009 to April 17, 2009

Two scoping meetings: Agencies & Public

Timeline Continued

Prepare Draft EIR including Technical Reports

60-Day Public Review Period:

Sept. 9, 2011 to November 8, 2011

Responses to Comments

Study Sessions

Public Hearings

What Does CEQA Require?

- Consideration of all phases of a project, including development and operations
- Comparison of existing environmental conditions (baseline) to future conditions following implementation

What Does CEQA Require?

Environmental Impacts:

Indirect

Direct

Short-term (e.g., construction)

Long-term (e.g., operations)

Cumulative

Growth-inducing

Unavoidable

What Does CEQA Require?

- Mitigation of Significant Impacts

Project Design Features

Standard Conditions and Requirements

Mitigation Measures

- Alternatives to the Proposed Project

Environmental Topics Analyzed in EIR

- Land Use and Related Planning Programs
- Aesthetics and Visual Resources
- Geology and Soils
- Hydrology and Water Quality
- Hazards and Hazardous Materials
- Biological Resources
- Population, Housing, and Employment
- Recreation and Trails

Environmental Topics Analyzed in EIR (Continued)

- Transportation and Circulation
- Air Quality
- Greenhouse Gas Emissions
- Noise
- Cultural and Paleontological Resources
- Public Services and Facilities
- Utilities

Project Alternatives

Considered but Not Carried Forward:

- Development Consistent with County General Plan
- Alternative Site
- Construction of General Plan Roads

Project Alternatives

A: No Action/No Development

B: General Plan Open Space

C: Proposed Project With North Bluff Road
to 17th Street

D: Reduced Development & Reduced
Development Area

E: Reduced Development Area

F: Increased Open Space/Reduced
Development

Alternative A: No Action/ No Development

Ongoing Oil Operations

Remains Unincorporated Orange County

Alternative B: General Plan Open Space

Property Acquisition

Oilfield Remediation

Oil Consolidation

Wetlands and Habitat Restoration and Long-
Term Management

Construction of Roadway Network

Active Park

Alternative C: Project With North Bluff Road to 17th Street

Same Development as Proposed Project

North Bluff Road Terminates Just North of 17th
Street

Alternative D: Reduced Development & Reduced Development Area

1,200 du (compared to of 1,375 du)

60,000 sf commercial in Urban Colony (compared to 75,000 sf)

15,000 sf of visitor-serving commercial (instead of 75 room resort inn)

Approx. 39 acres of parks (compared to 51 acres).

No Nature Center or Interpretive Trails

269 ac of Open Space (compared to 252 ac.)

Development footprint decrease from 98 to 93 acres

Alternative E:

Reduced Development Area

Same number of dwelling units: 1,375 (↑ density)

60,000 sf commercial in Urban Colony (compared to 75,000 sf)

15,000 sf of visitor-serving commercial (instead of 75 room resort inn)

Development footprint decrease from 98 to 93 ac.

269 ac. of Open Space (compared to 252 ac.)

No Nature Center or Interpretive Trails

39 acres of park compared to 51 acres.

Alternative F: Increased Open Space and Reduced Development

Same number of residential units (1,375 du): Higher density, smaller lots

Development area decreases from 97 to 84 ac.

No resort inn or visitor-serving commercial uses.

Open space increases from 252 to 282 ac.

No Nature Center or interpretive trails

60,000 sf of neighborhood commercial

35 ac. of parks, inc. 22-ac Community Park

Fully Mitigated Impacts

- Land Use: Policy Consistency
- Aesthetics and Visual Resources: Less than Significant Visual Character Impacts
- Geology and Soils
- Hydrology and Water Quality
- Hazards and Hazardous Materials
- Biological Resources

Fully Mitigated Impacts

- Population, Housing, and Employment
- Recreation and Trails
- Cultural and Paleontological Resources
- Public Services and Facilities
- Utilities

Land Use and Related Planning Programs

- Would not physically divide an established community.
- Consistent with applicable land use policies

Aesthetics and Visual Resources

- Views of site would be altered: less than significant impact
- Topographical alterations: less than significant



Existing View.



Proposed View. (Note: Landscaping on Sunset Ridge Park subject to change based on final agency approvals.)

Source: VisionScape Imagery 2010

View 1 Resort Colony: Resort Inn

Exhibit 4.2-3a

Newport Banning Ranch EIR

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Source: VisionScape Imagery 2010

Visual Simulations Key Map

Newport Banning Ranch EIR



Exhibit 4.2-2

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Existing View.



Proposed View. (Note: Landscaping on Sunset Ridge Park subject to change based on final agency approvals.)

Source: VisionScape Imagery 2010

View 1 Resort Colony: Resort Flats

Newport Banning Ranch EIR

Exhibit 4.2-3b

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Existing View.



Proposed View.

Source: VisionScape Imagery 2010

View 2 Pedestrian and Bicycle Bridge

Newport Banning Ranch EIR

Exhibit 4.2-4



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Source: VisionScope Imagery 2010

[View 3 Resort Colony: Resort Flats](#)

Newport Banning Ranch EIR

Exhibit 4.2-5a



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Existing View.



Proposed View.

Source: VisionScape Imagery 2010

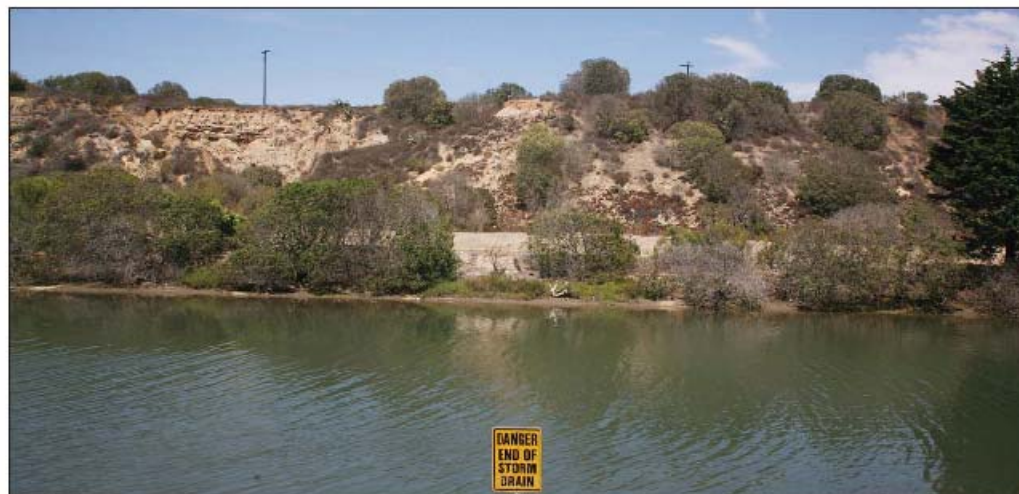
View 3 Resort Colony: Resort Inn

Newport Banning Ranch EIR

Exhibit 4.2-5b

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Existing View.



Proposed View.

Source: VisionScape Imagery 2010

View 4 Open Space Preserve and Consolidated Oil Sites Access Road

Exhibit 4.2-6

Newport Banning Ranch EIR

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Existing View.



Proposed View.

Source: VisionScape Imagery 2010

View 5 Open Space Preserve and North Family Village

Exhibit 4.2-7

Newport Banning Ranch EIR

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Existing View.



Proposed View.

Source: VisionScape Imagery 2010

View 6 North Bluff Road at 19th Street

Exhibit 4.2-8

Newport Banning Ranch EIR

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Existing View.



Proposed View.

Source: VisionScape Imagery 2010

View 7 Urban Colony

Newport Banning Ranch EIR

Exhibit 4.2-9

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Existing View.



Proposed View. (Note: The Coastline Community College Learning Center is under construction on the parcel on the right side of the visual simulation.)

Source: VisionScape Imagery 2010

View 8 Community Park and South Family Village

Exhibit 4.2-10

Newport Banning Ranch EIR

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Existing View.



Proposed View.

Source: VisionScape Imagery 2010

View 9 From Eastbound West Coast Highway: Resort Flats

Exhibit 4.2-11a

Newport Banning Ranch EIR

Ponterra
CONSULTING

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Existing View.



Proposed View.

Source: VisionScape Imagery 2010

View 9 From Eastbound West Coast Highway: Resort Inn

Exhibit 4.2-11b

Newport Banning Ranch EIR

Porterra
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Geology and Soils

- Seismic Activity: Compliance with Building Codes
- Faulting: Setback Zones
- Soil Erosion and Sedimentation: Compliance with Best Management Practices and Regulatory Requirements
- Grading : 2,500,000 cubic yards (cy) including approx. 900,000 cy of excavation activities and approx. 1,455,000 cy of corrective grading.

Hydrology and Water Quality

- Potential Water Quality Impacts:
 - Construction of water quality basins
 - Green Street Program (Low Impact Development Features)
 - Compliance with Water Quality Management
- Increased Runoff Captured in on-site basins, etc.
- No development in 100-year floodplain

Hazards and Hazardous Materials

Site Remediation

Remediation of soils and removal of oil infrastructure, asphalt, concrete

Remediation related to any methane & volatile organic compounds

Estimated 246,00 cy: 138,00 cy hydrocarbon-impacted soil & 108,000 cy of road materials & concrete

Hazards and Hazardous Materials

Compliance with Final Remedial Action Program:

Requires Approval and Oversight by Regional
Water Quality Control Board and Orange
County Health Care Agency

Health Risk

Human Health Risk Assessment

Health risk associated with Toxic Air Contaminants for Off-Site and On-Site Receptors:

Less than Significant based on SCAQMD Thresholds

Population, Housing, and Employment

No Impacts: Proposed Project is Consistent with
Projected Growth for Site, City, and Region

Recreation and Trails

- Project Includes approximately 51.4 gross ac. of parkland, including 26.8 ac. for the public Community Park

Exceeds park dedication requirements

- Pedestrian and Bicycle Bridge
- Public Trails

Cultural and Paleontological Resources

- No impacts to known historical resources
- Impacts to three archaeological sites
- Potential impacts to paleontological resources

Public Services and Facilities

- **Fire Protection:** May require a temporary station to meet response times
- **Police Protection:** No significant impacts
- **Schools:** Available capacity
- **Libraries:** No significant impacts
- **Solid Waste:** No significant impacts

Utilities

- **Water Supply:** Can be served by City; Water Supply Assessment approved in 2011.
- **Wastewater Facilities:** Adequate treatment capacity available
- **Energy: Electricity, Natural Gas:** No significant impacts

Significant Unavoidable Impacts

- Aesthetics and Visual Resources: Lighting
- Traffic
- Air Quality
- Greenhouse Gas Emissions
- Noise
- Land Use Compatibility

Aesthetics and Visual Resources: Lighting

- “Dark Sky” Lighting Program: Adjacent to Open Space Preserve
- Overall Lighting of Property, including Community Park
- Introduction of Night Lighting Identified in City of Newport Beach General Plan Update EIR as significant and unavoidable

Traffic

- City of Newport Beach: Newport Blvd at West Coast Highway (Fully Mitigated)
- City of Costa Mesa (Significant, Unavoidable):
 - Monrovia at 19th Street
 - Newport at 17th Street
 - Newport at 18th Street
 - Newport at 19th Street
 - Newport at Harbor Boulevard
 - Pomona at 17th Street
 - Superior at 17th Street

Air Quality

- Construction Emissions: NO_x
- Long-Term Operational Emissions: VOC and Carbon Monoxide
- Cumulatively Consideration Contributions to Regional Concentrations of Ozone

Greenhouse Gas Emissions

- Quantities would exceed City's Significance Threshold: Cumulatively Significant with Mitigation

Noise

- Construction: Significant Unavoidable with Mitigation
- Vehicular Noise in Costa Mesa: 17th St west of Monrovia; Mitigation is Rubberized Asphalt
- Vehicular Noise in Newport Beach: 15th St west of Placentia; Mitigation is Rubberized Asphalt (fully mitigated)
- Vehicular Noise from Bluff Road and 15th Street

Land Use Compatibility

- Generally compatible
- Related to long-term noise and night illumination

Environmentally Superior Alternative

Alternative B: Open Space

4

Alternative F: Increase Open Space and
Reduced Development

Biological Resources



The EIR section addresses the
existing biological resources;
project impacts; and
mitigation measures to reduce impacts
to less than significant levels.

The analysis is based on the
Biological Technical Report
prepared by BonTerra Consulting.

Regulatory Setting

The evaluation of impacts is based on applicable laws, codes, and standards that govern biological resources.

These include:

- Federal Endangered Species Act
- Sections 404 and 401 of the Clean Water Act of 1972
- Migratory Bird Treaty Act of 1918
- Bald and Golden Eagle Protection Act of 1940
- California Endangered Species Act
- California Environmental Quality Act
- California Coastal Act
- Streambed Alteration - Fish and Game Code
- Native Plant Protection - Fish and Game Code
- Natural Communities Conservation Plan - Fish and Game Code
- California Fully Protected Species - Fish and Game Code
- Nesting Bird Protection - Fish and Game Code
- California Code of Regulations Title 14
- California Porter-Cologne Water Quality Control Act

Methodology

2008 through 2011 - General/focused biological surveys were conducted BonTerra Consulting under contract to the City

1998 through 2002, 2006 through 2011 – Biological surveys were conducted by Glenn Lukos Associates (GLA) for the Applicant

Where time frames overlapped, and GLA was performing focused surveys efforts, BonTerra shadowed the surveys to verify observations

Literature Search

Literature search was conducted to identify special status plants, wildlife, and habitats:

- CNPS's Electronic Inventory of Rare and Endangered Vascular Plants of California
- CDFG's California Natural Diversity Database



Methodology

Vegetation Mapping and Plant Surveys

- Vegetation mapping and general plant surveys: September 2009, and January and October 2010.
- Special status plant surveys: March, April, May, June, July, and August 2009
- GLA conducted focused plant surveys for the Applicant in 2006, 2007, and 2008



Jurisdictional Delineation

- Federal jurisdiction - “Waters of the U.S.” and wetland resources identified per USACE standards
- State of California jurisdiction - “Waters of the State” – generally include riparian habitats supported by a river, stream, or lake
- Coastal Commission jurisdiction - within the Coastal Zone, Coastal Commission generally requires the presence of only one of the three parameters (e.g., hydrology, hydric soils, or hydrophytic vegetation)

Methodology

Wildlife Surveys

General wildlife surveys were conducted during vegetation surveys and during all focused surveys in 2009, 2010, and 2011.

Focused wildlife surveys were conducted for:

- fairy shrimp (dry/wet season, multiple years)
- burrowing owl (wintering/breeding season, multiple years)
- coastal California gnatcatcher (2006, 2007, and 2009)
- southwestern willow flycatcher (2006, 2007, and 2009)
- least Bell's vireo (2006, 2007, and 2009)



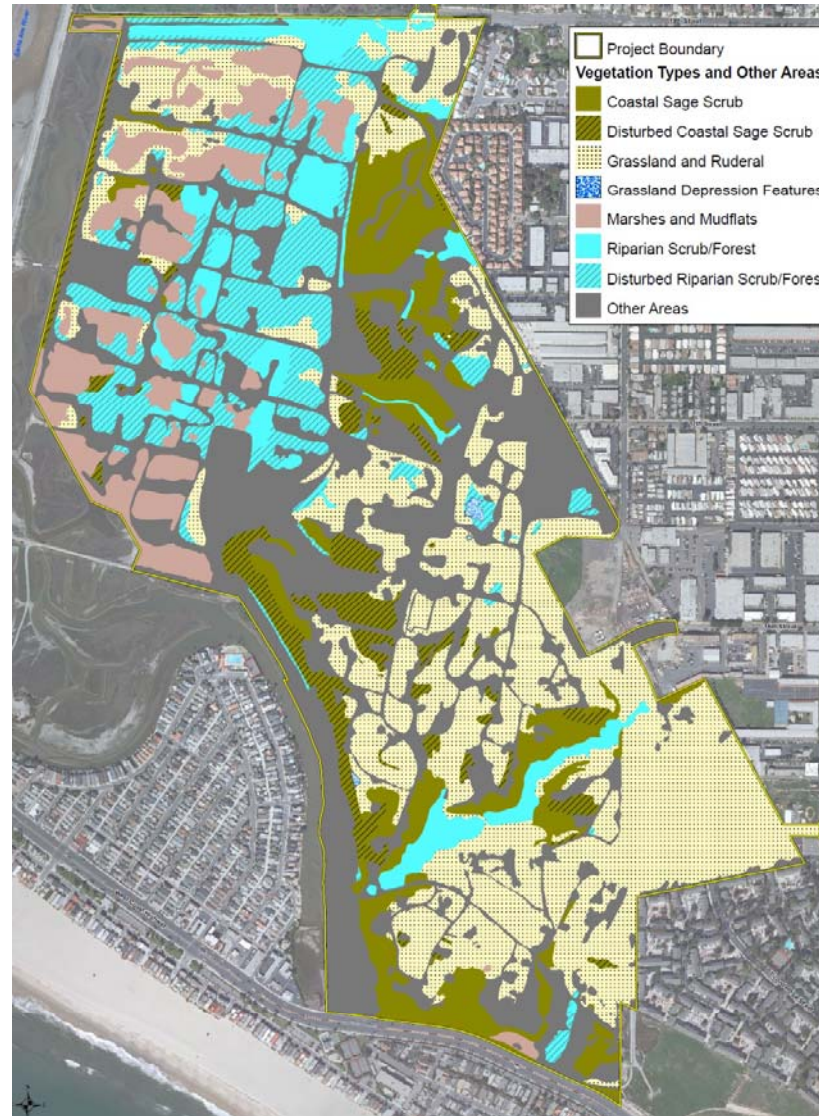
Existing Conditions

Vegetation Types

8 vegetation types (45 sub-types)

Vegetation Type	Existing (Acres)	Percent of Project Site
Coastal Sage Scrub	37.63	9.3%
Disturbed Coastal Sage Scrub	20.64	5.1%
Grassland and Ruderal	120.4	29.8%
Grassland Depression Features	0.4	0.1%
Marshes and Mudflats	31.45	7.8%
Riparian Scrub/Forest	21.71	5.4%
Disturbed Riparian Scrub/Forest	38.87	9.6%
Other Disturbed and Developed Areas	133.15	32.9%
<i>Total</i>	<i>404.25</i>	<i>100.0%</i>

Existing Conditions



Existing Conditions

Wildlife

Wildlife species observed or expected on site:

California treefrog	garden slender salamander	western fence lizard	side-blotched lizard
California ground squirrel	black rat	Virginia opossum	coyote

Bird species are the most common/varied wildlife on site. Common and resident species frequently observed include:

great blue heron	great egret	killdeer	mourning dove
black phoebe	American crow	bushtit	house wren
Anna's hummingbird	European starling	American kestrel	red-tailed hawk

Special Status Biological Resources

Special Status Species are defined by the:


USFWS - federally Endangered, Threatened, Proposed or Candidate Species

California - State Endangered, Threatened, Fully Protected, Rare species, California Species of Special Concern, Special Animal or Watch List

Conservation Organizations - Species of Local Concern are those that have no official status with the resource agencies, but are being watched because either there is a unique population in the region

CNPS - List 1B to List 4

Special Status Biological Resources

 Plant Species Observed On Site	Status		
	USFWS	CDFG	CNPS
southern tarplant	—	—	1B.1
southwestern spiny rush	—	—	4.2
California box-thorn	—	—	4.2
woolly seablite	—	—	4.2

Special Status Biological Resources

Special Status Wildlife Species Observed On Site	Status	
	USFWS	CDFG
San Diego fairy shrimp	FE	–
Cooper's hawk	–	WL (nesting)
sharp-shinned hawk	–	WL (nesting)
northern harrier	–	SSC (nesting)
white-tailed kite	–	FP (nesting)
osprey	–	WL(nesting)
Merlin	–	WL(non-breeding/wintering)
California gull	–	WL(nesting colony)
burrowing owl	–	SSC
loggerhead shrike	–	SSC (nesting)
least Bell's vireo	FE	SE (nesting)
California horned lark	–	WL
coastal cactus wren	–	SSC
coastal California gnatcatcher	FT	SSC
yellow warbler	–	SSC (nesting)
yellow-breasted chat	–	SSC (nesting)
Belding's savannah sparrow	–	SE

Special Status Biological Resources

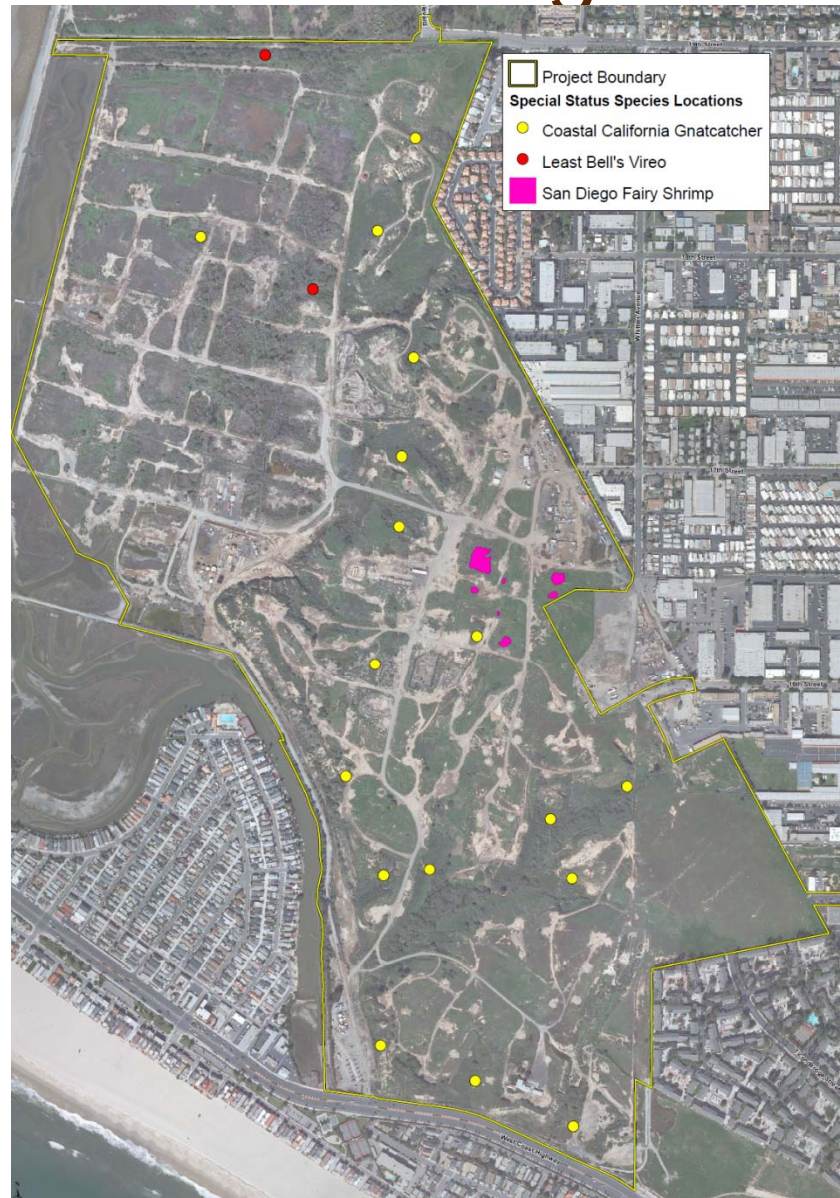
San Diego Fairy Shrimp was found to occur with 7 ponded areas on site: VP1 - VP2 - AD3 -E - G -I - J

Two solitary male **least Bell's vireos** observed in the willow riparian habitats of the lowland during the 2006, 2007, and 2009 focused surveys.

Coastal California gnatcatcher surveys (2009) identified a total of 17 territories, consisting of 16 breeding pairs and 1 solitary male.



Special Status Biological Resources



Special Status Biological Resources

Jurisdictional Areas

53.76 acres of USACE jurisdiction - Approved jurisdictional determination from the USACE on June 3, 2009, based on information in GLA's March 5, 2009 delineation. This delineation was independently verified by BonTerra Consulting.

12.08 acres of CDFG jurisdiction

84.48 acres of California Coastal Commission jurisdiction

Project Design Features

- PDF 4.6-1** Minimum of 220 gross acres of the Project site as wetland restoration/water quality areas, habitat conservation, and restoration mitigation areas.
- PDF 4.6-2** Habitat Restoration Plan provides for the preservation and long-term maintenance of preserved and restored habitat onsite.
- PDF 4.6-3** Habitat Areas that are restored will be subject to a five-year Maintenance and Monitoring Program.
- PDF 4.6-4** A “dark sky” lighting concept will be implemented within areas of the Project that adjoin habitat areas.

Biological Thresholds

- Threshold 4.6-1** Have a substantial adverse effect on any special status species.
- Threshold 4.6-2** Have a substantial adverse effect on any riparian habitat or other special status natural community.
- Threshold 4.6-3** Have a substantial adverse effect on federally protected wetlands.
- Threshold 4.6-4** Interfere substantially with the movement of wildlife.
- Threshold 4.6-5** Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Project Impacts

The determination of impacts is based on a comparison of Project maps depicting permanent and temporary impact areas and maps of biological resources on the Project site.

Rough and Precise Grading/Development - permanent impact

Utility Infrastructure - permanent impact

Water Quality Basins - permanent impact

Open Space Trails - permanent impact

Bluff Repair - temporary impact

Vernal Pool Interpretive Area - temporary impact

Consolidated Oil Sites - permanent impact

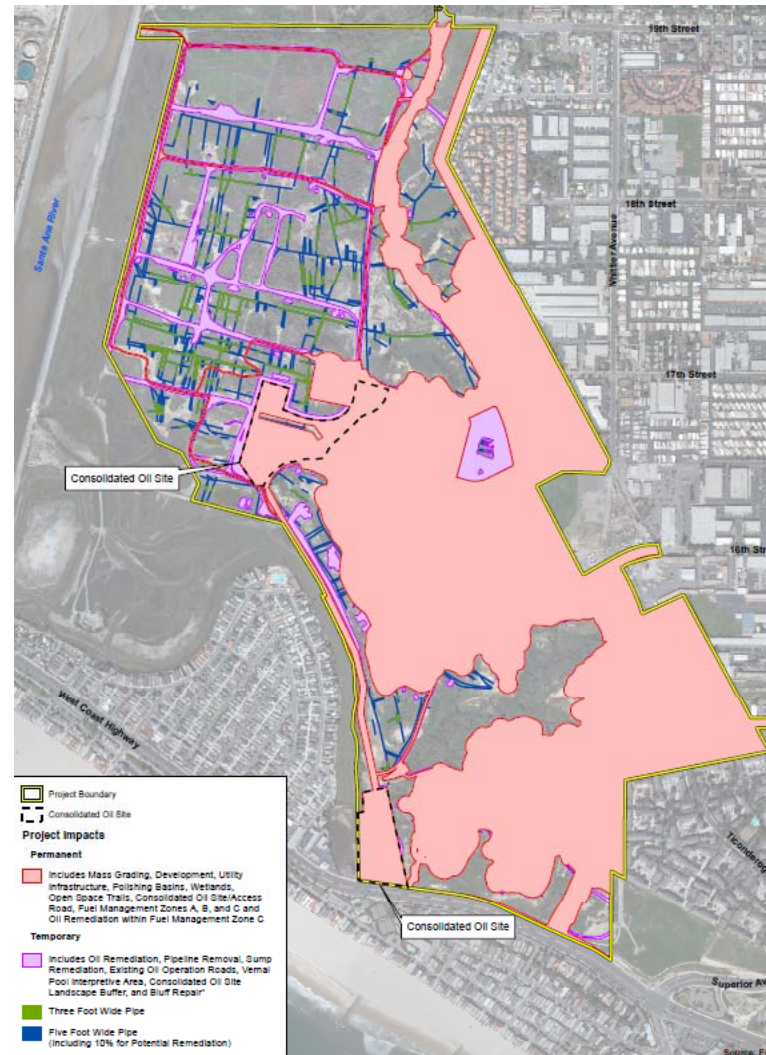
Planting Buffers at Consolidated Oil Sites - temporary impact

Oilfield Remediation and Pipe Remediation - temporary impact

Existing Oil Operation Roads- temporary impact

Fuel Management Zones - permanent impact

Project Impacts



Project Impacts

Vegetation Type	Existing (Acres)	Total Impacts (Acres)	% Impacted	Area Not Impacted (Acres)	% Not Impacted	Significant Impact Identified	Mitigation Required
<i>Coastal Sage Scrub</i>	37.63	11.92	32%	25.71	68%	Yes	<i>Preservation/ Restoration</i>
<i>Disturbed Coastal Sage Scrub</i>	20.64	11.19	54%	9.45	46%	Yes	<i>Preservation/ Restoration</i>
<i>Grassland and Ruderal</i>	120.40	100.13	83%	20.27	17%	Yes	<i>Preservation/ Restoration</i>
<i>Grassland Depression Features</i>	0.40	0.13	33%	0.27	68%	Yes	<i>Preservation/ Restoration</i>
<i>Marshes and Mudflats</i>	31.45	2.45	8%	29.00	92%	Yes	<i>Preservation/ Restoration</i>
<i>Riparian Scrub/Forest</i>	21.71	2.68	12%	19.03	88%	Yes	<i>Preservation/ Restoration</i>
<i>Disturbed Riparian Scrub/Forest</i>	38.87	10.25	26%	28.62	74%	Yes	<i>Preservation/ Restoration</i>
<i>Other Areas</i>	133.15	97.57	73%	35.58	27%	No	No
TOTAL	404.25	236.32	58%	167.93	42%		

Wildlife Impacts

General Habitat Loss and Wildlife Loss

- Significant to Local Populations
- Mitigate by Coastal Sage Scrub, Grassland, Vernal Pool, & Riparian Habitat Preservation & Restoration

Impacts to Nesting Birds/Raptors

- Significant for intentional loss of any active nest
- Mitigate by limiting vegetation removal between Feb. 15 – Sept. 15, and construction avoidance measures

Foraging Habitat for Raptors

- Significant impacts to approximately 124.83 acres of foraging habitat
- Mitigate through the restoration & preservation 205.53 acres of various habitats

Foraging/Roosting Habitat for Bat Species

- Significant impacts to the loss of approximately 124.86 acres of foraging & roosting habitat
- Mitigated through the restoration & preservation of coastal sage scrub, grassland habitat, marsh habitat, & riparian areas

Special Status Species Impacts

Southern Tarplant

- Significant loss of approx. 5,000 of 24,747 individuals observed in 2009
- Mitigate: Southern tarplant restoration program (seed collection & re-establishment)

San Diego Fairy Shrimp

- Significant impact to known populations
- Mitigate : Develop & implement a 3.58-acre vernal pool conservation/restoration area

Light-footed Clapper Rail, Western Snowy Plover, and Belding's Savannah Sparrow

- Significant impacts to marsh habitats used by these species
- Mitigate: Restore and/or preserve approx. 9.9 acres of marsh habitat on site or immediately off site and avoidance measures during construction

Coastal California Gnatcatcher

- Significant impacts to approx. 23.11 acres of coastal sage scrub & disturbed coastal sage scrub that provides potential habitat for this species
- Mitigate: Restore & preserve 82.91 acres of coastal sage scrub habitat.

Special Status Species Impacts

Coastal Cactus Wren

- Significant impacts to approx. 2.92 acres of potential habitat
- Mitigate: Restore & preserve 82.91 acres of coastal sage scrub habitat, including approx. 10 acres of coastal sage scrub dominated by cactus

Least Bell's Vireo

- Significant impacts to approx. 2.74 acres of undisturbed & disturbed willow riparian scrub & willow riparian forest habitats
- Mitigate: Restore & preserve 38.8 acres of riparian habitat

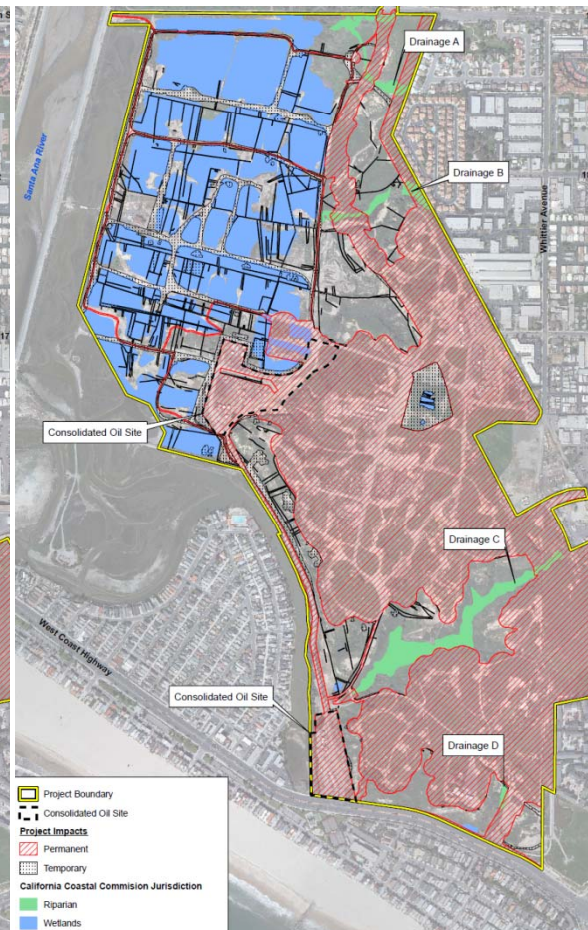
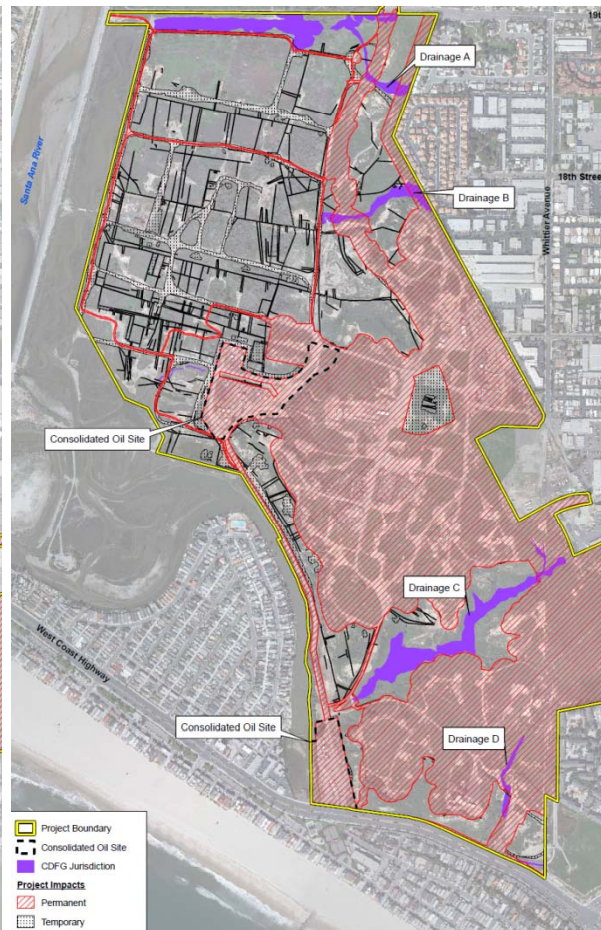
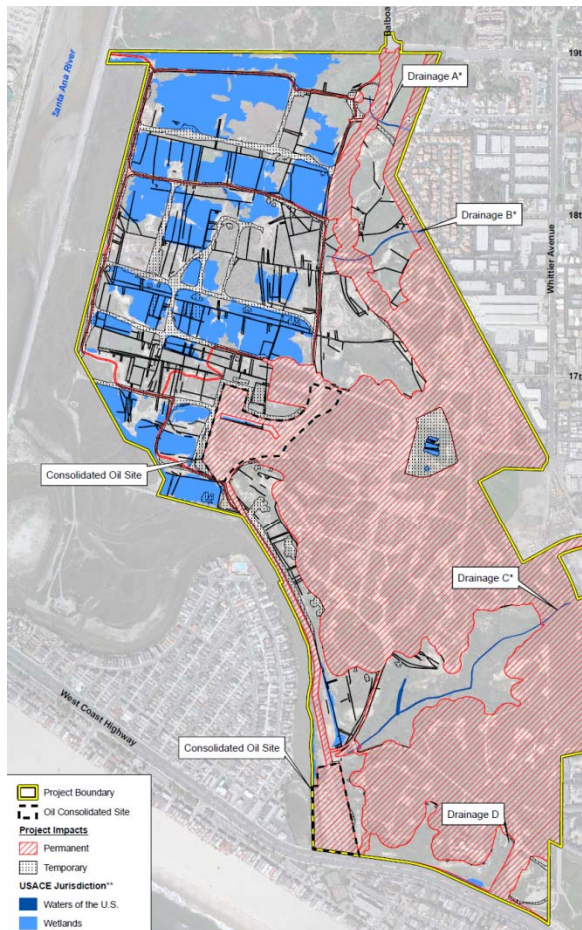
Burrowing owl - only expected to winter based on the 2008, 2009, and 2010 survey results

- Significant impacts to approx. 100.13 acres of grasslands & ruderal habitat
- Mitigate: Restore & preserve 70.34 acres of grassland habitat

Jurisdictional Impacts

Jurisdictional Features	Permanent Impacts (Acres)	Temporary Impacts (Acres)	Total Impacts (Acres)
USACE (Waters and Wetlands)	0.32	3.93	4.25
CDFG	1.87	0.05	1.92
California Coastal Commission	2.52	6.48	9.00
<p>a It is important to note that riparian vegetation types and jurisdictional areas should not be considered as identical resources. Although these resources often overlap, there are many areas on site where the riparian vegetation types are located outside resource agency jurisdiction. As an example, mule fat scrub typically occurs in riparian areas (relating to or located on the banks of a river or stream); however, the majority (96%) of the mule fat scrub impacted on the Project site occurs in upland areas or areas outside jurisdictional boundaries.</p> <p>Note: USACE jurisdictional resource base data was provided by GLA and verified by BonTerra Consulting. CDFG and California Coastal Commission jurisdictional resource base data was provided by BonTerra Consulting.</p>			

Jurisdictional Impacts



CEQA Required Mitigation

HABITAT MITIGATION SUMMARY

Vegetation Type	Existing (Acres)	Total Impacts (Acres)	Area Not Affected (Acres)	Preservation (Acres)	Restoration (Acres)	Total Preservation and Restoration (Acres)	Preservation/ Restoration to Impact Ratio ^a
Coastal Sage Scrub and Disturbed Coastal Sage Scrub	58.27	23.11	35.16	35.16	47.75	82.91	Approx. 3.5:1
Grassland and Ruderal	120.40	100.13	20.27	20.27	50.07	70.34	Approx. 0.7:1
Grassland Depression Features (includes Features VP1, VP2, AD3, E, G, I, and J)	0.50	0.24	0.26	0.26	3.32	3.58	Approx. 15:1
Marsh	31.45	2.45	29.00	7.25	2.65	9.90	Approx. 4:1
Riparian and Disturbed Riparian	60.58	12.93	47.65	23.03	15.77	38.80	Approx. 3:1
Total	271.20	138.86	132.34	85.97	119.56	205.53	

^a The preservation/restoration to impact ratio (last column in table) is not a required mitigation ratio. Rather it identifies the ratio that could be achieved.

CEQA Required Mitigation

Other Resource Specific Mitigation Measures

- MM 4.6-6** **Compliance with Migratory Bird Treaty Act**
- MM 4.6-7** **Re-Establishment of Special Status Plant Species**
- MM 4.6-8** **Light-footed Clapper Rail, Western Snowy Plover, Belding's Savannah Sparrow** - Obtain regulatory approvals, avoidance procedures, & replacement of habitat
- MM 4.6-9** **California Gnatcatcher** – Obtain Biological Opinion from USFWS, restore & preserve 82.91 acres of coastal sage scrub habitat; implement Construction Minimization Measures
- MM 4.6-10** **Coastal Cactus Wren** - Avoid habitat, incorporate cactus into the planting palette; implement Construction Minimization Measures

CEQA Required Mitigation

Other Resource Specific Mitigation Measures

- MM 4.6-11 **Least Bell's Vireo** -** Obtain a Biological Opinion from the USFWS/CDFG, restore and preserve 38.80 acres of riparian habitat; Implement Construction Minimization Measures
- MM 4.6-12 **Burrowing Owl** -** Avoided where possible, restore & preserve 70.34 acres of grassland habitat
- MM 4.6-13 **Raptor Nesting** -** Provide protection for nesting raptors

CEQA Required Mitigation

Other Resource Specific Mitigation Measures

- MM 4.6-14** **Invasive Exotic Plant Species** - Removal of invasive plant species. Landscape Plans reviewed by a Biologist to ensure that no invasive, exotic plant species are used in landscaping adjacent to any open space.
- MM 4.6-15** **Human Activity** - Fencing plan shall be planned & implemented to limit access to the open space within the lowlands. Informational signage provided
- MM 4.6-16** **Urban Wildlands Interface** - Develop & distribute a wildland interface brochure

- Extra Slides



California Vernal Pools



BRC “Vernal Pool” 22: Asphalt Parking Area



Central California Grassland Vernal Pool



BRC “Vernal Pool” 20: Actually in Paved Road



Vernal Pool with swale in early drying phase



BRC “Vernal Pool” 19 – Pond on Road Shoulder



Vernal Pool: drying phase with typical rings of wildflowers



BRC “Vernal Pool” 5: Soil Remediation Stockpile



San Diego Vernal Pool: Dry Phase



BRC “Vernal Pool” 47: Active Oil Well Pad at low point in canyon



Banning Ranch is the
largest parcel of
unprotected coastal open
space remaining in
Orange County

•Maximum Development

<u>•Maximum allowed under General Plan</u>		<u>Banning Ranch Proposal</u>
•Residential Units	1375	1375
•Commercial Space	75,000 sq. ft.	75,000 sq. ft.
•Hotel Rooms	75	75

Development of OC's last large coastal properties

<u>•Site</u>	<u>Acres</u>	<u>Residential Units</u>
•Marblehead (San Clemente)	248	313
•Dana Point Headlands	121	118
•Bolsa Chica	2000	379
•Crystal Cove (Newport Shores)	980	635
•Castaways (Newport Beach)	133	119

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•Banning Ranch	412	1375

Jan 30, 2006

•Aquamarine

•Location of vernal pool complex in middle mesa

•Dark Blue

•Planned City parks which are part of the proposed development

•Green

•Location of California Gnatcatchers and Cactus Wrens based on studies from 1992 - 2009

•Red line

•Outline of proposed development "footprint"

•Yellow

•Ticonderoga Vernal Pool

Image © 2009 DigitalGlobe
© 2009 Google
© 2009 Europa Technologies

Banning Ranch is the
largest parcel of
unprotected coastal open
space remaining in
Orange County

N:\GIS\Projects\NewportBeach_10579\Aerials\Banning_Ranch_Build_Constraints\SX11.mxd



CITY of NEWPORT BEACH
 GENERAL PLAN
 Figure LU17
**BANNING RANCH
 DEVELOPMENT
 CONSTRAINTS**

Legend

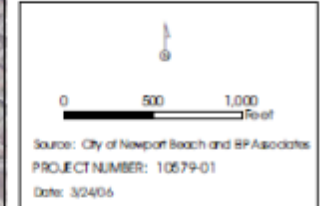
- Sub-Area
- Buff*
- Earthquake Setback Zone
- Habitat Value Ranking**
- Habitat Restoration Area

Notes:

* Buff includes 100 foot buffer

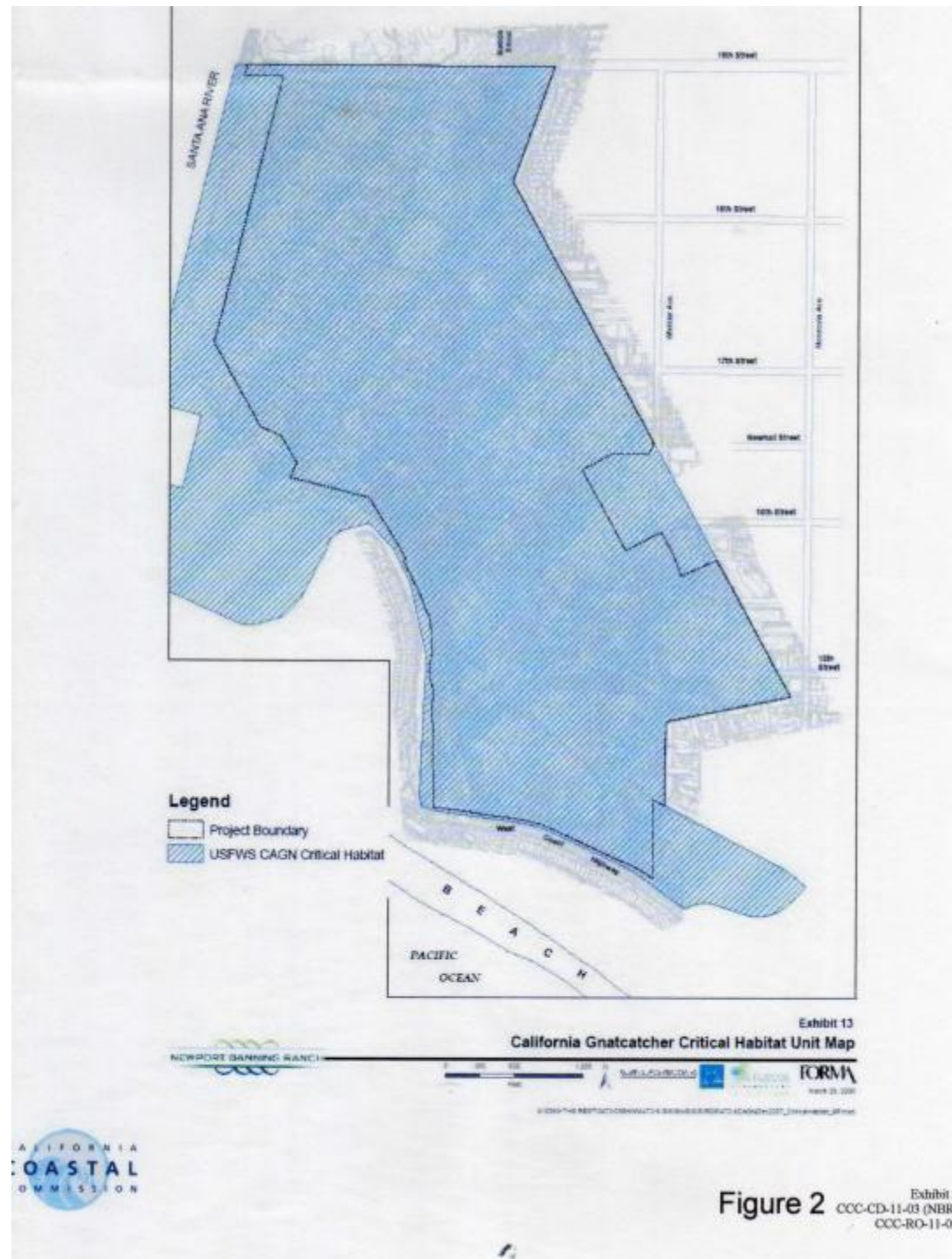
** Resource permitting required and/or areas where additional surveys are required to determine significance of resources; includes a 50 foot buffer

Banning Ranch=518 acres
 Development Constraints=302 acres
 Total Buildable Area=216 acres

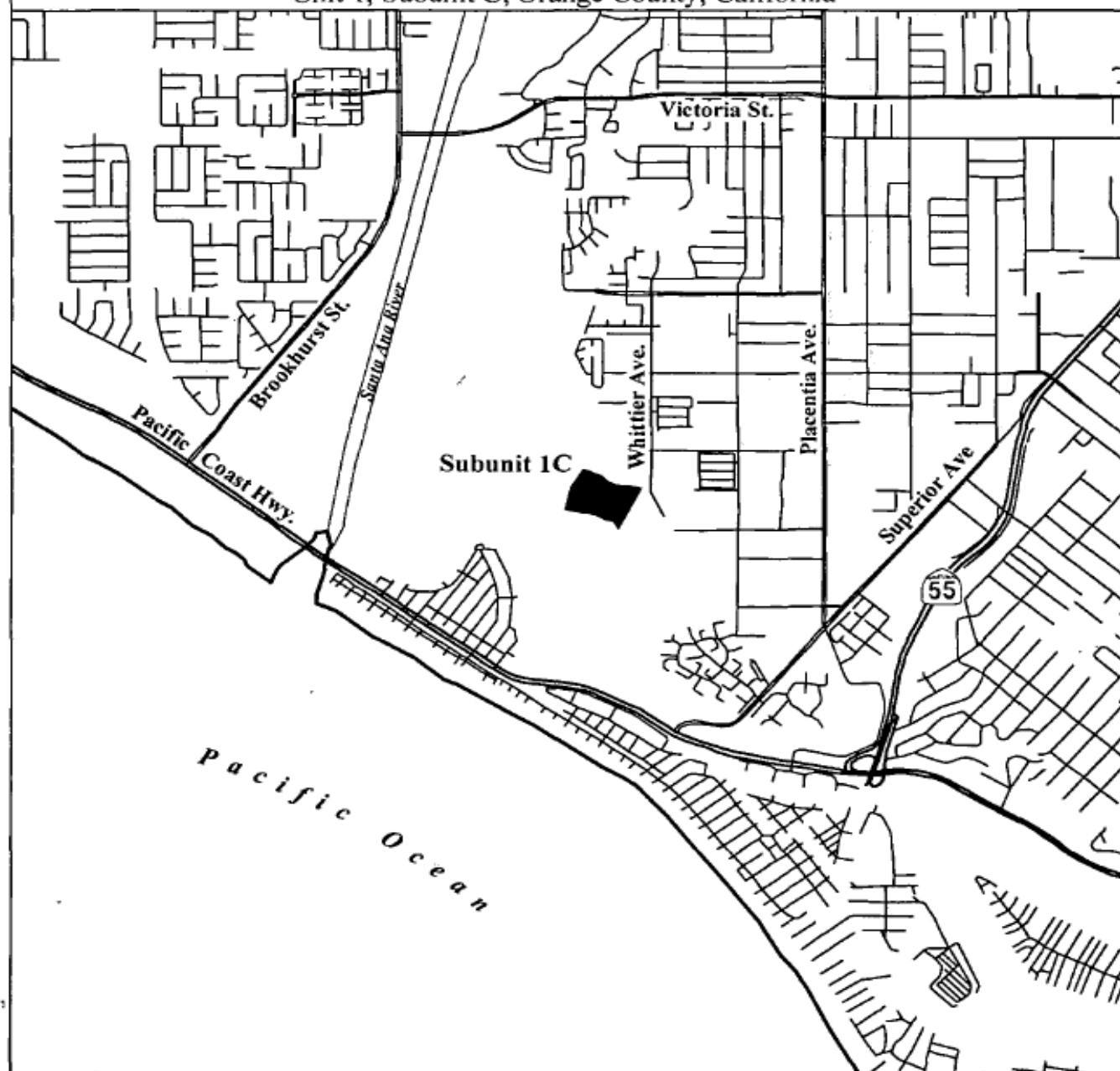




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Map 2.
Critical Habitat for San Diego fairy shrimp (*Branchinecta sandiegonensis*)
Unit 1, Subunit C, Orange County, California



Burns, Marlene

PA2008-114

From: Gerard Proccacino [Gravytrain1@roadrunner.com]
Sent: Thursday, March 08, 2012 7:38 PM
To: Burns, Marlene
Subject: Planning Commision Meeting 3/8/12

Dear Ms Burns,

I was at tonight's study session but due to time restraints did not speak. I have a couple of questions concerning the proposed Banning development that I hope you can pass on to the members of the planning commission. I thank you in advance.

What precisely are the negative effects on the quality of life for the residents of Newport Beach as a whole, West Newport Beach , The Lido Sands Community and ME with my home of 40 years directly in the path of the proposed major Coast hwy Intersection? Why does Newport Beach need this intrusive mega development? Why haven't I seen the City aggressively trying to preserve this final virgin parcel in Orange County for all to enjoy it's God given Natural beauty?

I pray that you deliberately drill into this proposal to totally see the negative effects this thing will have on our beautiful Newport Beach.

Why would the City even consider to Los Angelize Newport beach?

Please do not Los Angelize Newport Beach. Thank you.

Respectfully,
Gerard Proccacino
Lido Sands
Newport Beach, CA



To whom it may concern:

Please enter my public comment of 3/8/12, given at the Planning Commission Study Session on Banning Ranch DEIR Impacts into the Administrative Record.

Thank you,
Suzanne Forster

.....
3-8-12 PLANNING COMMISSION STUDY SESSION ON BR DEIR
IMPACTS

PUBLIC COMMENT:

My name is Suzanne Forster. I'm a resident of Newport Beach.

I appreciate the opportunity to talk about the Projects impacts today, but I don't think two hours is enough to cover a project of this magnitude. There are too many health and safety issues. Banning Ranch is a 400-acre oil field with nearly 500 wells sitting on active fault lines within the Newport Inglewood Fault Zone—and there are 25 other Fault Zones in the vicinity.

It appears to be a hotbed of potential earthquake activity and the DEIR talks about the potential for liquefaction in the lowlands and earthquake-induced landslides in the west-facing bluffs. All of these areas have been identified as a zones requiring investigation for liquefaction.

So, have these investigations been done? If not, when are they going to be done?

IMO, any potential for liquefaction of an oil field with homes sitting on top of it is too big a risk. But not just to the public. To the City. This exposes the City to liability. That's why this project should not be rushed through the approval process or rubber stamped. There's too much at stake.

The real problem with the DEIR is the omissions. Many written public comments addressed this—and Sandra Genis wrote a 20-page letter that addresses nothing but DEIR omissions.

Her comments on the site's earthquake potential included these questions: Shouldn't fault zone data be updated and setback limits refined in compliance with existing State standards *before* the project is

approved? Shouldn't more trenching to further refine fault mapping be completed *before* the project is approved?

Matt Hageman's 7-page letter on the oil field toxins asks that the DEIR be rewritten to include the necessary regulatory oversight, rather than deferring that oversight until *after* the DEIR is approved. His letter says this:

"According to the DEIR 'prior to the issuance of the first City-issued permit,' the RWQCB will receive a final Remedial Action Plan to 'allow for site disturbance unrelated to oil remediation activities. Therefore, **no agency review of the contaminants and plans for cleanup will occur until after DEIR certification**'."

Matt Hageman is an expert, but you don't have to be an expert to know that's totally backwards. And it's what makes this project unsafe.

The DEIR also overlooks the **health hazards** of developing an oil field for residential use. A producing oil field creates unregulated oil wastes that contain very dangerous toxins, the kind that cause cancer and birth defects.

Pollution is another problem. The air pollution from the construction and the traffic this project will create are not just local impacts, they're **regional**. Everyone's air will be affected. But according to EQAC, there are no ambient air analyses in the DEIR for pollutants like Nitrogen Oxide, which actually eats away at lung tissue from the inside.

I can't begin to list all the omissions in three minutes, but what concerns me about these study sessions is that we're talking about the impacts last. Given the potential hazards of this project, the impacts should have been considered first. If a project is **unsafe** for the public, what's the point of talking about architecture styles and how many bars the hotel will have?

Thank you.